

## REMARKS

Applicants thank the Examiner for consideration of the present application. Applicants have carefully reviewed the Final Office Action dated November 25, 2009 (hereinafter "the Office Action"). Claims 1-47 are believed to be pending in this application, of which claims 10-33 and 35-47 have been previously withdrawn. Each of the pending, non-withdrawn claims 1-9 and 34 stand rejected in the Office Action. Reconsideration of each of the rejected claims in light of the remarks below is respectfully requested.

## INTERVIEW SUMMARY

Applicants thank the Examiner for the courtesies extended to Applicants' representative during the telephonic interview held on January 5, 2010. During this interview, the Examiner's proposed claim amendments transmitted to Applicants' representative on November 20, 2009 and the allowable subject matter indicated in the Office Action were discussed. Applicants' representative noted that Applicants' claimed method is not limited to use with "fluid rams." Rather, as noted by Applicants' representative, the method may be used with other types of rams including manual, electric, electromechanical, and other rams as described in Applicants' specification on page 29, lines 5-13. The Examiner is believed to have agreed that the discussed claim amendments would place the present application in condition for allowance. Applicants submit the accompanying claim amendments on reliance of that agreement.

## 35 U.S.C. § 103(a) REJECTIONS

Each of claims 1-9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mincsovsics (WO 01/50123). Claim 34 stands rejected under 35 U.S.C. § 103(a) as being

unpatentable over Mincsovcics in view of Nurok (U.S. Patent 6,303,029) and Tyihak (U.S. Patent 4,346,001).

Applicants have amended claim 1 to recite a method including “positioning a sample plate in a plate holder,” “positioning a frame member in contact with the plate holder to form an assembled plate holder,” “positioning the assembled plate holder between a pair of die blocks,” and “urging a die block of the pair of die blocks with a ram through an opening defined in the body of the frame member toward a stationary phase supported on the sample plate.” Neither Mincsovcics, Nurok, nor Tyihak, alone or in combination, is believed to disclose or render obvious such a method. Accordingly, for at least this reason, claim 1 is believed to be in condition for allowance and such action is respectfully requested.

Each of claims 2-9 and 34 includes independent claim 1 a base claim. For at least the reasons provided above, neither Mincsovcics, Nurok, nor Tyihak render independent claim 1 obvious. As such, neither Mincsovcics, Nurok, nor Tyihak, alone or in combination, render dependent claims 2-9 and 34 obvious for at least the reasons provided above in regard to independent claim 1. *See In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988) (“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”). In light of the reasons for withdrawal of the rejections of claim 1, any arguments specific to claims 2-9 and 34 are held in abeyance without prejudice or admission to any assertion made by the Examiner in order to expedite prosecution.

## CONCLUSION

In view of the foregoing, it is submitted that this application is in a condition for allowance. Action to that end is hereby solicited. If there are any questions or comments that

would speed prosecution of this application, the Examiner is invited to call the undersigned at (317) 261-7959.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response. The Commissioner is hereby authorized to charge the fee for such Petition and any shortage of fees, and credit any overpayment of fees, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 29920-79201.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Glen Kellett", is written over a horizontal line.

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